REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-36 and 46-50 are requested to be cancelled.

Claims 37, 41, 42, and 45 are currently being amended.

Claims 51-52 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 37-45 and 51-52 are now pending in this application.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 37 and 42 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,175,933 to Cadden (hereafter "Cadden"). Claims 38-41 and 43-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cadden in view of Roader, "All about the Internet" (hereafter "Roader"). These rejections are moot with respect to claim 46, which has been canceled. With respect to claims 37-45, applicants respectfully traverse these rejections, for at least the following reasons.

Both independent claims 37 and 42 have been amended to clarify that the managing computer, the requesting computer, and the target computer are separate and independent computers. Cadden does not suggest this feature as recited in claims 37 and 42 in the context of the claims.

Cadden does not disclose a managing computer, requesting computer, and target computer as recited in the claims, where these computers are separate and independent

computers. Cadden discloses a system with three machines 21, 22, and 23, which may be individual computers (see FIG. 2, col. 3, lines 55-60). Machines 21, 22, and 23 respectively include a file transfer client 24, file transfer server 26, and monitor program 40 (see FIG. 2). Cadden discloses that the monitor program 40 communicates with the file transfer client 24 and the file transfer server 26 to access client monitor information (col. 4, lines 27-35). The monitor information includes the name of the file transferred, and other information regarding the file transfer (col. 4, lines 35-43).

The Office Action equates the machine 23 of Cadden with the managing computer of claims 37 and 42. In contrast to claims 37 and 42, however, Cadden does not disclose that the machine 23 receives a file transfer request, identifies the location of the data file, or passes the transfer request to that location.

Cadden also discloses a file transfer procedure in Figures 3A to 3C and col. 5, line 47 to col. 6, line 49. This file transfer procedure appears to be between the client and server, i.e. between machines 21 and 22. In contrast to claims 37 and 42, however, this file transfer procedure does not indicate that machine 23 receives a file transfer request, identifies the location of the data file, or passes the transfer request to that location.

Moreover, while the monitor program 40 of the machine 23 of Cadden accesses client monitor information and server monitor information (col. 4, lines 27-43), this information only suggests that the machine 23 monitors the file transfer between the machines 21 and 22. The monitor information does not suggest that the machine 23 acts to receive a file transfer request, identify the location of the data file, or pass the transfer request to that location. For at least this reason, claims 37 and 42 are patentable over Cadden.

Roader does not cure the deficiencies of Cadden. Roader only suggests that information in a computer network should be replicated and distributed among a number of computers to avoid loss of that information upon failure of one of the computers. Roader does not suggest distributing the functions required for file transfer among several computers. At best, if Cadden were modified according to the suggestion of Roader, the data files would be replicated among a number of computers. Cadden modified according to the suggestions

of Roader does not suggest a system with a requesting computer, managing computer, source computer and target computer with the different respective functions as recited in claims 37 and 42, where the managing computer, the requesting computer and the target computers are separate and independent computers. Thus, even if there were proper motivation to combine Cadden and Roader (which there is not), the combination would not meet the limitations of claims 37-46.

Dependent claims 38-41 and 43-45 depend from one of independent claims 37 and 42 and are patentable for at least the same reasons, as well as for further patentable features recited therein.

For at least the above reasons, applicants submit that all of claims 37-45 are patentable over Cadden and Roader and respectfully request that the rejections under 35 U.S.C. 102 and 103 be withdrawn.

New claims 51 and 52

New independent claims 51 and 52 have been added. Claims 51 and 52 are similar to respective claims 37 and 42, except that the language "wherein the requesting computer, managing computer and target computer are separate and independent computers" has been replaced by "wherein the source computer, managing computer and target computer are separate and independent computers."

Cadden and Roader also fail to disclose or suggest this feature of claims 51 and 52, and thus claims 51 and 52 are likewise patentable over Cadden and Roader.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/17/03   By _____

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-8-